

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The State Air Pollution Control Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9VAC5-40. Existing Stationary Sources (amending 9VAC5-40-7400, 9VAC5-40-7420).

Statutory Authority: § 10.1-1308 of the Code of Virginia; §§ 110, 111, 123, 129, 171, 172, and 182 of the Clean Air Act (40 CFR Parts 51 and 60).

Effective Date: December 2, 2015.

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Summary:

This action adds new requirements for the case-by-case determination of reasonably available control technology (RACT) needed in order to meet the U.S. Environmental Protection Agency (EPA) 0.075 parts per million (ppm) National Ambient Air Quality Standard (NAAQS) for ozone. On March 6, 2015, EPA amended Subpart X of 40 CFR Part 51, which covers the implementation of the 2008 eight-hour ozone standard (80 FR 12264). The Northern

Virginia Ozone Nonattainment Area, which corresponds to the Northern Virginia Volatile Organic Compound (VOC) and Nitrogen Oxides (NO_x) Emissions Control Areas and which is part of the Ozone Transport Region (OTR), must meet the RACT requirements of 40 CFR 51.1116. This section of the EPA rule specifies dates by when RACT must be implemented in the OTR. The state regulations must be consistent with the federal regulations in order for the state to implement RACT.

9VAC5-40-7400. Standard for volatile organic compounds (eight-hour ozone standard).

A. No owner or other person shall cause or permit to be discharged from any affected facility any volatile organic compounds (VOCs) emissions in excess of that resultant from using RACT.

B. The provisions of this section apply to all facilities that (i) are within a stationary source in the emissions control areas specified in Table 4-51B and (ii) are within a stationary source that has a theoretical potential to emit at the applicable source thresholds specified Table 4-51B.

TABLE 4-51B.
Notification and Compliance Dates for Facilities Located in
VOC Emissions Control Areas.

Standard	Emissions Control Area	Source Threshold	Notification Date	Compliance Date
1997 (0.08 ppm)	Northern Virginia	≥ 50 tpy	March 1, 2007	April 1, 2009
2008 (0.075 ppm)	Northern Virginia	≥ 50 tpy	February 1, 2016	January 1, 2017

C. For facilities subject to the provisions of this section, the owners shall, by the notification dates specified in Table 4-51B, (i) notify the board of their applicability status, (ii) commit to making a determination as to what constitutes RACT for the facilities, and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as possible but no later than the compliance dates specified in Table 4-51B.

D. Nothing in this article shall exempt any facility subject to the provisions of 9VAC5-40-7390 from being subject to the provisions of this section. The board may reevaluate any RACT determination made under 9VAC5-40-7390 and require compliance with a new RACT determination as necessary to implement this section.

E. Upon the request of the board, the owner of a facility subject to or exempt from the provisions of 9VAC5-40-7390 shall provide such information as the board deems necessary to determine if the facility is subject to this section.

Regulations

9VAC5-40-7420. Standard for nitrogen oxides (eight-hour ozone standard).

A. No owner or other person shall cause or permit to be discharged from any affected facility any nitrogen oxides (NO_x) emissions in excess of that resultant from using RACT.

B. Unless the owner demonstrates otherwise to the satisfaction of the board, facilities to which the presumptive RACT provisions of 9VAC5-40-7430 are applicable shall comply with the provisions of subsection A of this section by the use of presumptive RACT.

C. The provisions of this section apply to all facilities that (i) are within a stationary source in the emissions control areas specified in Table 4-51E and (ii) are within a stationary source that has a theoretical potential to emit at the applicable source thresholds specified in Table 4-51E.

TABLE 4-51E.
Notification and Compliance Dates for Facilities Located in NO_x Emissions Control Areas for
Which There is No Presumptive RACT.

<u>Standard</u>	Emissions Control Area	Source Threshold	Notification Date	Compliance Date
<u>1997 (0.08 ppm)</u>	Northern Virginia	≥ 100 tpy	March 1, 2007	April 1, 2009
<u>2008 (0.075 ppm)</u>	<u>Northern Virginia</u>	<u>≥ 100 tpy</u>	<u>February 1, 2016</u>	<u>January 1, 2017</u>

D. For facilities subject to the provisions of this section and for which there is no presumptive RACT definition, the owners shall, by the notification dates specified in Table 4-51E, (i) notify the board of their applicability status, (ii) commit to making a determination as to what constitutes RACT for the facilities, and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as possible but no later than the compliance dates specified in Table 4-51E.

E. For facilities subject to the provisions of this section and for which there is a presumptive RACT definition, the owners shall, by the notification dates specified in Table 4-51F, (i) notify the board of their applicability status, (ii) commit to accepting the presumptive RACT emission limits as RACT for the applicable facilities or to submitting a demonstration as provided in subsection B of this section, and (iii) provide a schedule acceptable to the board for submitting the demonstration no later than the demonstration dates specified in Table 4-51F; and for achieving compliance with the emission standard as expeditiously as possible but no later than the compliance dates specified in Table 4-51F.

TABLE 4-51F.
Notification and Compliance Dates for Facilities Located in NO_x Emissions Control Areas for
Which Presumptive RACT is Defined.

<u>Standard</u>	Emissions Control Area	Source Threshold	Notification Date	Demonstration Date	Compliance Date
<u>1997 (0.08 ppm)</u>	Northern Virginia	≥ 100 tpy	March 1, 2007	June 1, 2007	April 1, 2009
<u>2008 (0.075 ppm)</u>	<u>Northern Virginia</u>	<u>≥ 100 tpy</u>	<u>February 1, 2016</u>	<u>February 1, 2016</u>	<u>January 1, 2017</u>

F. Nothing in this article shall exempt any facility subject to the provisions of 9VAC5-40-7410 from being subject to the provisions of this section. The board may reevaluate any RACT determination made under 9VAC5-40-7410 and require compliance with a new RACT determination as necessary to implement this section.

G. Upon the request of the board, the owner of a facility subject to or exempt from the provisions of 9VAC5-40-7410 shall provide such information as the board deems necessary to determine if the facility is subject to this section.

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